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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,458	12/08/2004	Mark Thomas Johnson	NL 020502	1360
24737 7590 08/17/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER TRA, TUYEN Q	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,458

Applicant(s)

JOHNSON ET AL.

Examiner

Tuyen Q. Tra

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

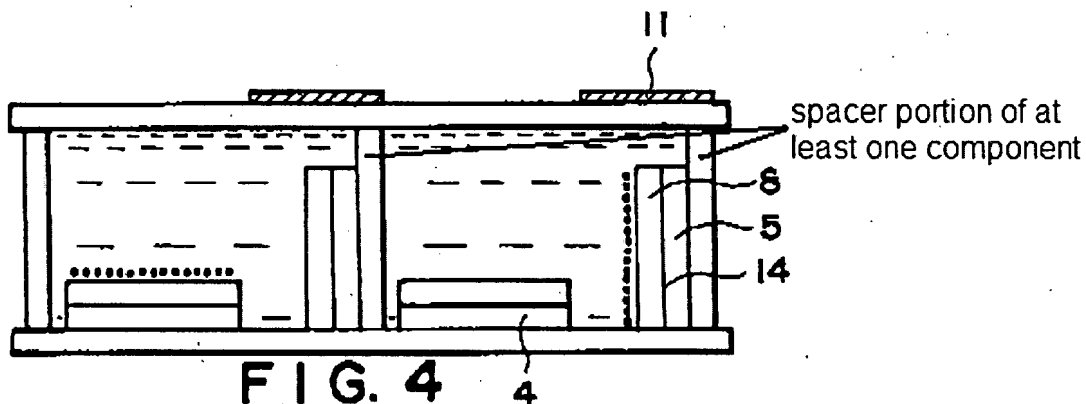
### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kishi et al. (US Patent 7,009,756 B2):

a) With respect to claim 1, Kishi et al. discloses a display device in Figure 3 comprising of a pixel being provided with an one individually addressable pixel obstructing element (Figure 4, item 11), characterized in that a portion of at least one component (see below figure), being one of spacer or an electrical component other than an electrode, is positioned beneath the obstructing element (item 11) in such a way that the portion is not visible for a viewer of the display device (column 4, line 59-67 – column 5, line 12).



- b) With respect to claim 2, Kishi et al. further discloses wherein the at least one component is spacer (see figure above).
- c) With respect to claim 5, Kishi et al. further discloses wherein the device is an electrophoretic display device.
- d) With respect to claim 9-11, Kishi et al. further discloses wherein a portion of both of the spacer (see figure above) and the electrical component are positioned beneath the obstructing element; wherein a portion of two electrical components are positioned beneath the obstructing element; wherein portion of an electrode (figure 4, item 5) is positioned beneath the obstructing element (figure 4, item 11).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi et al. (US Patent 7,009,756 B2), as applied to claim 1 above, in view of Ackley et al. (US 6,375,899).

Kishi et al. discloses a display device in Figure 3 comprising of a pixel being provided with an one individually addressable pixel obstructing element (Figure 4, item 11), characterized in that a portion of at least one component (Figure 4, item 5), being

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one of an electrical or a mechanical component, is positioned beneath the obstructing element (item 11) in such a way that the portion is not visible for a viewer of the display device (column 4, line 59-67 – column 5, line 12).

However, Kishi et al. does not teach a reservoir electrophoretic device. Within the same field of endeavor, Ackley et al. teach a reservoir electrophoretic device (item 18, Figure 1A).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the display device such as disclosed by Kishi et al., and with a reservoir electrophoretic display such as discloses by Ackley et al., for purpose of storing eletrophoretic fluid.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi et al. (US Patent 7,009,756 B2), as applied to claim 1 above, in view of Ukigaya (US 6,873,451).

Kishi et al. discloses a display device in Figure 3 comprising of a pixel being provided with an one individually addressable pixel obstructing element (Figure 4, item 11), characterized in that a portion of at least one component (Figure 4, item 5), being one of an electrical or a mechanical component, is positioned beneath the obstructing element (item 11) in such a way that the portion is not visible for a viewer of the display device (column 4, line 59-67 – column 5, line 12).

However, Kishi et al. do not teach a reflective element for enabling transfective operation. Within the same field of endeavor, Ukigaya discloses electrophoretic display

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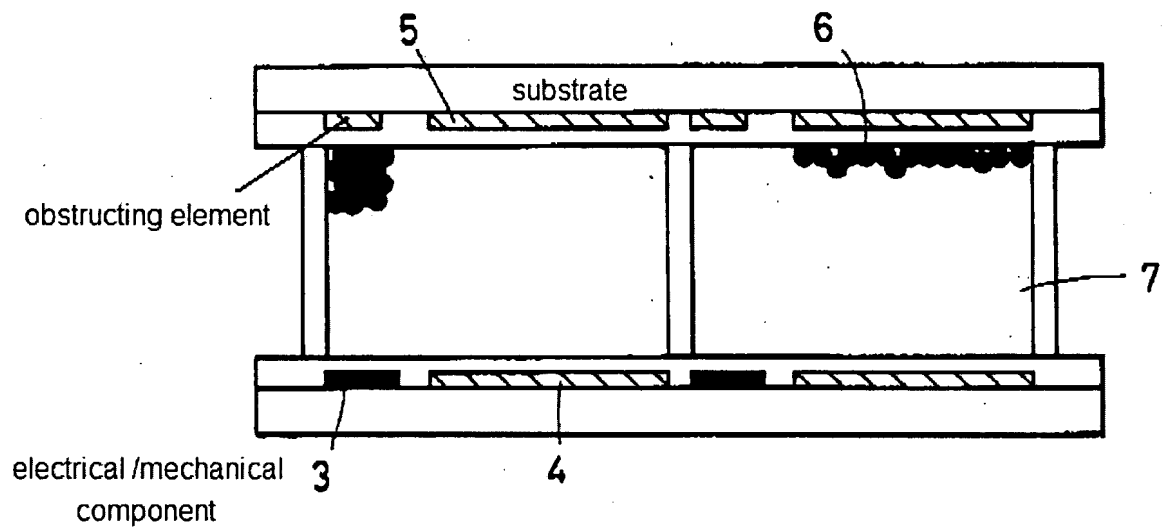
device with teaching of a reflective layer (not shown) is preferably arranged on the first substrate (10) (col. 12, lines 10-13).

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the display device such as disclosed by Kishi et al., and with a reflective such as discloses by Ukigaya, for purpose of reflecting light.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishi et al. (US Patent 7,009,756 B2), as applied to claim 1 above, in view of Goden (US 6,738,039 B2).

Kishi et al. discloses a display device in Figure 3 comprising of a pixel being provided with an one individually addressable pixel obstructing element (Figure 4, item 11), characterized in that a portion of at least one component (see above figure), being one of an electrical or a mechanical component, is positioned beneath the obstructing element (item 11) in such a way that the portion is not visible for a viewer of the display device (column 4, line 59-67 – column 5, line 12).

However, Kishi et al. do not teach a reflective element for enabling transfective operation. Within the same field of endeavor, Goden discloses the obstructing element is arranged behind a front substrate (see picture below).



It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the display device such as disclosed by Kishi et al., and with the obstructing element is arranged behind a front substrate such as discloses by Goden, for purpose of reflecting light.

***Allowable Subject Matter***

7. Claims 7 and 8 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: (claim 7) one individually addressable pixel, said pixel being provided with an obstructing element, characterized in that a portion of both a storage capacitor and a gate electrode is positioned beneath the obstructing element in such a way that the portion is not visible for a viewer of the display device; (claim 8) one individually addressable pixel, said pixel having a reservoir light shield, beneath which one or more of an electrode, a storage capacitor, a sensor, and a thin film transistor is positioned, said pixel further comprising a reflective element for enabling transfective operation,

wherein at least a portion of a source electrode is positioned beneath the reflective element in such a way that the portion is not visible for a viewer of the display device.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-6 have been considered but are not persuasive.

Applicant argues that "a portion of at least one component, being one of spacer or an electrical component other than an electrode" (Remark, page 7). The current rejection with the same reference with a spacer is pointed out in figure above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Q. Tra whose telephone number is 571-272-2343. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

August 14, 2007

A handwritten signature in black ink, appearing to read "Ricky Mack", is written over a circular stamp.

RICKY MACK  
SUPERVISORY PATENT EXAMINER